

REMARKS

The office action of September 7, 2005, has been carefully considered.

It is noted that the disclosure is objected to for not containing section headings.

Claims 28-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,787,581.

Finally, it is noted that claims 34-37 would be allowable if rewritten in independent form.

In connection with the Examiner's objection to the disclosure, applicant has amended the specification to include section headings.

In view of these considerations it is respectfully submitted that the objection to the disclosure is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the process disclosed in the reference.

Turning now to the references and particularly to the patent to Blum et al., it can be seen that this patent discloses radio hardenable powder paints. The powder coatings of Blum et al. must be applied to the substrate and the subsequently melted. In the presently claimed invention, on the other hand, the hot melt resins must first be molten and are then applied to the substrate, exactly the opposite of Blum et al.

There is nothing in the teachings of Blum et al. which would motivate one skilled in the art to change the process taught by Blum et al. in a manner as suggested by the Examiner. Blum et al. only discuss the conventional method of applying powder paint, namely where application of the paint occurs first and then melting. The patentable feature of the Blum et al. patent resides in the formulation of the powder paint. There is no teaching for changing the way the paint is applied. Furthermore, it would not be obvious to change this known method because powder paint normally cannot be worked in a different manner. If the powder paint were melted before application it would not be useable in

conventional application systems since these conventional systems cannot handle melted or molten paint. Furthermore, it was accepted in the prior art that the step of melting after applying the paint to the substrate is crucial relative to powder handling because only then is a uniform coating of the substrate possible. Thus, it is respectfully submitted that one skilled in the art at the time of the present invention would not be motivated by the teachings of Blum et al. to melt the powder before application, as in the presently claimed invention. Any other conclusion would surely be based upon impermissible hindsight reconstruction using the teachings of the present application as a guide.

In view of these considerations it is respectfully submitted that the rejection of claims 28-33 under the judicially created doctrine of obviousness-type double patenting over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 9, 2006.

By:


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Date: January 9, 2006